

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:10CR3130
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
MILTON SCURLOCK,	)	
	)	
Defendant.	)	
_____	)	

On December 30, 2013, defense counsel filed two documents in this case. The first filing ([80](#)) is designated as a “notice of appeal,” but, in fact, is an unsigned “information sheet–criminal.” Treating this filing as a motion, it will be denied without prejudice.

The second filing ([81](#)) is a motion for permission to appeal in forma pauperis. This filing, which is signed by the defendant personally and states that the issue being raised on appeal is “excessive sentence from 12/17/13,” is sufficient to constitute notice of appeal. *See United States v. Gibson*, 568 F.2d 111, 112 (8<sup>th</sup> Cir. 1978); F.R.A.P. 3(c). The court finds that the appeal appears to be taken in good faith and that the defendant is entitled to proceed in forma pauperis.

Accordingly,

IT IS ORDERED that:

1. Filing [80](#), treated as a motion, is denied without prejudice.

2. Filing [81](#) is granted, and the defendant is permitted to appeal in forma pauperis.

DATED this 2<sup>nd</sup> day of January, 2014.

BY THE COURT:

s/ *Richard G. Kopf*

Senior United States District Judge